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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,523	05/08/2006	Joachim Gericke	2003P16149	5140

24131 7590 10/28/2008
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EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
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2832

MAIL DATE	DELIVERY MODE
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10/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,523	GERICKE ET AL.	
	Examiner	Art Unit	
	Marina Fishman	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 0208.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 – 15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 – 15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a Final Action on the Merits. Claims 9 – 15, 17 and 18 are pending in the case and are being examined. In order to add clarity to the rejection and correct a typographical error the previous Final Office action mailed 08/25/2008 is vacated and corrected Final Action is presented below. Any inconvenience to the Appellant is regretted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9 – 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenemann et al. [US 6,211,478] in view of B.G. Tremblay [US 2,504,906]

Regarding Claims 9 - 15, 17 and 18, Schoenemann et al. disclose a switching device, comprising:

- a first and a second arcing contact piece [11, 14], lying axially opposite one another [Figure 1];
- a first and a second rated current contact piece [6, 8], disposed coaxially with respect to the arcing contact pieces, at least one of the rated current contact pieces [6, 8] having a hollow-cylindrical

basic body [Figure 1] with a front at an end facing a switching path of the switching device;

- an arc-resistant material [36, 37] covering the front, and
- contact making points [34] disposed between the first and second rated current contact pieces [6, 8] and lying axially in a region of the arc-resistant material in a switched-on state of the switching device,
- the arc resistant material [36] making initial contact with the contact making points and also making contact with the contact making points in the switched-on state of the switching device [Figures 3b, 3c];
- wherein the arc-resistant material is made of plurality of different metals [column 9, lines 20-42].

Regarding Claims 9 - 15, 17 and 18, Schoenemann et al. disclose the instant claimed invention except for the arc-resistant material having an electroplating surface. B.G. Tremblay discloses an electric contact member [10, 12, 14] wherein the member [14] was subject to electroplating [Column 4, lines 57 – 70]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the arc-resistant material with an electroplating surface in Schoenemann et al., in order to provide corrosion resistance [Column 4, lines 32 – 37] and improve contact performance characteristics. Regarding Claim 10 the arc-resistant material is fixed to the hollow-cylindrical body in a form of a ring [33, 34, Column 5, line 24]. Regarding Claim 11, the ring [34], has a wall thickness smaller at the further end, facing away from

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the switching path [wall has thickness of element 3] than at the end facing the switching path (element 34, plus shoulder, Figure 3b). Regarding Claim 15, fixing device [only shoulder shown, Figure 3b] in the area of increased wall thickness. Regarding Claims 12 -14 and 17, Schoenemann et al. disclose insulating bodies, a nozzle [12] and an element [5], and in Figure 4a and 5a, Schoenemann et al. disclose bolt connection extending axially between the housing part and contact-carrying element [41, 39, 40, 15, 9], however Schoenemann et al. do not disclose the detail of connections between the insulating bodies and the housing or partitions, and pressure element (pressure washer) between the bolt and the connecting parts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use axially extending bolt with pressure element/washer in embodiment of Figure 1 of Schoenemann et al. to connect insulating bodies [5, 12] with contact carrying elements [9, 23], so as to fix the two parts in a vibration proof manner [pressure washers are known to be used for retaining connection between two parts in vibration proof environment].

Response to Arguments

4. Applicant's arguments filed 08/25/2008 have been fully considered but they are not persuasive.

Regarding Claim 9, the Appellant has argued, that the switching device defined by claim

9 includes, inter alia: a rated current contact piece having a hollow-cylindrical basic body with a front at an end facing a switching path of the switching device; and an arc-resistant material covering said front, said arc-resistant material having an electroplated surface. The Appellant conceded that contact ring 34 could be considered to be hollow

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and cylindrical, however stated that, the power switch fingers 33 do not have a hollow and cylindrical body (See Figs. 3a, 3b, and 3c). The Appellant further stated that, the upper fixed rated-current contact 6, which is designed as a contact ring 34, of Schoenemann et al. must be compared to the claimed rated current contact piece having a hollow- cylindrical basic body with a front at an end facing a switching path of the switching device; and an arc-resistant material covering said front, said arc-resistant material having an electroplated surface.

Examiner agrees with the Appellant that contact ring 34 could be considered to be hollow and cylindrical, however disagrees with the Appellant that the contact fingers 33 could not be considered as hollow cylindrical body. The contact fingers 33 along with spring 30 and support ring 31, constitutes a contact piece and because it is in a ring shape, it is a hollow cylindrical body and therefore, contact ring 34 as well as contact finger 33 [with elements 30 and 31], both qualifies as hollow cylindrical bodies.

Appellant has further argued that it is only the silver coated contact zone 38 of contact ring 34 makes contact with the power finger 33 in the switched on state, and the silver coated contact zone does not have protective or arc resistant material. The Examiner respectfully disagrees. The silver coated contact zone of contact finger 34 may not have protective or arc resistant material, but the contact finger 33, does have protective or arc resistant material, which make contact in the contact ring 34 in the switched on state and Claim 9, requires one of rated current contact piece having hollow cylindrical body with a front end, arc resistant material covering the front end, the front having electroplated surface, contact making points in the region of electroplated

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surface, and the contact making points making contact in switched on state. All these limitations are satisfied by Schoenemann et al.

The Appellant has also argued that the prior art does not suggest an arc-resistant material that has an electroplated surface and that is made of a plurality of different elements.

The Examiner respectfully disagrees. The combination of Schoenemann et al. and Tremblay does disclose an arc-resistant material that has an electroplated surface and that is made of a plurality of different elements.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elvin G Enad/
Supervisory Patent Examiner, Art Unit 2832

/Marina Fishman/
Examiner, Art Unit 2832
October 16, 2008